



**U. S. Environmental Protection Agency
E-Clips
Prepared by the Office of Public Affairs**

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EPA pulls the plug on Desert Rock coal-fired power plant (*The New Mexico Independent*)

By [Marjorie Childress](#) 4/28/09 1:11 AM

New Mexico

ALBUQUERQUE — In a dramatic move yesterday, the [U.S. Environmental Protection Agency](#) (EPA) withdrew the air quality permit it issued last summer for the Desert Rock coal-fired power plant, which is slated to be built on the Navajo Nation in the Four Corners region just southwest of Farmington, New Mexico.

The action drew praise from critics of the plant and blistering commentary from its proponents.

Assistant New Mexico Attorney General Seth Cohen, who has been one of the primary litigators working on the state's appeal of the original permit, said the decision by the new administration at the EPA marked "a huge victory."

"The EPA was supposed to file their final brief today in opposition to our arguments, but had asked for an extension, so we were hopeful," Cohen told NMI. "Today, in effect, they agreed with us that EPA had cut corners in issuing the permit last summer. It's a huge victory for public health and the environment in New Mexico."

But Jeff Holmstead, former head of the air program at EPA and now head of the Environmental Strategies Group at Bracewell & Giuliani, the law firm representing the plant's developer, [Sithe Global](#), said in a statement that he has "never seen anything like it."

"I don't think anyone ever imagined that the new team at EPA would seem to have such little regard for due process or basic notions of fairness," Holmstead said. "Everyone understands that a new Administration has discretion to change rules and policies prospectively. But I've never seen any Administration try to change policies and rules retroactively."

While a lot of attention has been paid in the last week to the EPA's recent finding that carbon dioxide—the greenhouse gas that is belched from coal-burning power plants—poses a danger to human health and the environment, the decision to withdraw the Desert Rock permit yesterday rested on other issues put forward by the state of New Mexico.

The EPA found that the permitting process was issued prematurely, before complete analysis could be conducted of hazardous air emissions like mercury, or the impact of the facility on endangered species, or the impact on soil, vegetation, and visibility in the region. The permit also didn't adequately examine particulate matter.

Also, in the review of "best available technologies," developers of the project didn't include a process called integrated gasification combined cycle (IGCC), the EPA said. Using IGCC technology—which turns the coal into gas before burning it—would make Desert Rock better able to control air pollution.

While many consider IGCC to be an experimental technology, it's currently being used in at least two other coal-burning power plants, and the state argued in its appeal that it should have at least been studied as an option.

Yesterday's decision effectively sends the entire permit back to the drawing board.

Holmstead argued that the permit was the most stringent of any such permit issued in the country. The application was submitted five years ago, he said, and dragged on for several years while the company and the Navajo Nation — a strong supporter of the project — tried to "address everybody's concerns."

Navajo Nation President Joe Shirley said in a statement the decision was further proof that the U.S. government isn't "honest and truthful in its dealings with Native America." Shirley said that the EPA withdrawal of the permit will harm the Navajo people.

"I have people dying every day because of poverty, alcoholism, drug abuse, domestic violence, gangs, and the U.S. Government is not there to adequately fund the direct service programs that cater to these needs," he said.

Shirley concluded by saying that the message from the EPA is that it will hold projects "on Navajo land to standards that may well be impossible to meet — and that wouldn't be applicable elsewhere."

Cohen, however, said New Mexico respects the right of the Navajo Nation to develop its land, but it needs to be done in a way that protects air quality in New Mexico.

"There needs to be a substantial re-analysis, but we'll work with the applicant to re-think the permit," he said.

New Mexico Environment Department Secretary Ron Curry made similar remarks in a statement issued by Gov. Bill Richardson's office that noted concerns related to carbon dioxide and climate change.

"Air emissions from Desert Rock would have singlehandedly undone our state's climate change initiatives," Curry said. "We stand ready to assist EPA Region 9 and the Navajo Nation to make

significant improvements to the design of this facility including technologies that will address greenhouse gas emissions.”

EPA seeks remand of Navajo power plant permit (Associated Press) This story also appeared: KVIA

Associated Press - April 27, 2009 10:45 PM ET

ALBUQUERQUE, N.M. (AP) - The U.S. Environmental Protection Agency is asking an appeals board to allow the agency to reconsider an air permit for a planned coal-fired power plant on the Navajo Nation in northwestern New Mexico.

Regional EPA officials want to reconsider the parts of the Desert Rock Energy Project air permit that were appealed to the Environmental Appeals Board after the permit was issued last July.

The state of New Mexico and a group of environmentalists sought a review of the permit, citing concerns over air quality, carbon dioxide emissions and violations of the Endangered Species Act.

EPA spokesman Darrin Swartz-Larson says it's unclear when the appeals board will rule on EPA's motion for a voluntary remand of the permit.

EPA to review 3 NSR rules (Greenwire)

Robin Bravender, E&E reporter

04/27/2009

U.S. EPA will reconsider three controversial power plant regulations finalized under the Bush administration, the agency announced today.

The agency plans to reconsider Bush-era New Source Review (NSR) regulations regarding how "fugitive" emissions are used to determine whether industries will be forced to upgrade air pollution controls, a rule addressing how facilities keep records on emissions and a rule governing how industries account for air emissions associated with fine particle pollution when obtaining a permit.

"EPA is reconsidering these rules to ensure that the public has an opportunity to fully review any recent changes that would impact the implementation of NSR," according to a statement issued

today. The agency plans to publish a notice of proposed rulemaking in the *Federal Register* requesting comment on provisions of each of the rules.

The agency will review its rule on "fugitive emissions," which outlines how major industries must account for fugitive emissions -- those that come from sources other than smokestacks and vents -- when determining whether upgrades trigger New Source Review (NSR) rules under the Clean Air Act. NSR requires stationary sources to install new pollution controls when they are modified or upgraded in ways that increase their pollution outputs.

Industry groups welcomed the rule, which they said provided regulatory certainty for facilities, but environmental groups argued that the Bush EPA's rule would allow industry to avoid stricter regulations while increasing air pollution levels (*Greenwire*, Feb. 23).

Also under review are the EPA rule published in the *Federal Register* last December that addresses how facilities record their emissions and an NSR rule finalized last May that temporarily exempts coal-fired power plants from soot standards.

Environmentalists sued the agency last July over the soot rule, which addresses implementation of the NSR program for sources emitting fine particulate matter, or soot. Earthjustice filed a petition on behalf of the Sierra Club and the Natural Resources Defense Council arguing that allowing plants to emit fine particles for a three-year "transition" period while the agency develops a better test method would allow dangerously high soot emissions (*E&ENews PM*, July 15, 2008).

CLIMATE CHANGE/GLOBAL WARMING

Clinton says U.S. fully engaged in fighting climate change (*International Business Times*)

Posted 27 April 2009 @ 05:55 pm EST

Secretary of State Hillary Rodham Clinton told representatives of the world's 17 major economies that the United States is fully engaged in issues relating to climate change and is "no longer absent without leave" in the matter.

Clinton said climate change was not only an environmental issue but also an economic, health, energy and security issue as she gave her remarks on Monday during the Major Economics Forum on Energy and Climate held at the State Department in Washington. She also urged

countries to take responsibility in the matter.

"All of us participating today must cooperate in developing meaningful proposals to move the process forward. New policy and new technologies are needed to resolve this crisis, and they won't materialize by themselves," Clinton said.

Clinton outlined some of the progress that the U.S. has made on climate change by citing a decree from the Environmental Protection Agency that carbon dioxide and other greenhouse gas emissions threaten public health and welfare. She also mentioned President Obama's proposal to establish a cap-and-trade system to reduce emissions.

In addition to the United States, nations participating in the forum are Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, South Africa and the United Kingdom. A representative from Denmark is also attending because the country will host the United Nations climate conference in December. The nations convened are responsible for 75 percent of the world's global emissions of heat-trapping gases.

The forum – announced by President Barack Obama in March - promotes the dialogue to advance the exploration of concrete initiatives and joint ventures that increase the supply of clean energy while cutting greenhouse gas emissions.

U.S. will 'lead the way' on emission curbs -- Clinton (Greenwire)

Lisa Friedman, E&E reporter

04/27/2009

Secretary of State Hillary Rodham Clinton called on leaders of the world's largest economies today to rein in greenhouse gas emissions and pledged that the United States will "lead the way."

In opening remarks to the Major Economies Forum on Energy and Climate, Clinton called climate change a "clear and present danger to our world" and told environment ministers from the world's 17 largest economies that the Obama administration is "fully engaged in negotiations toward a global emissions treaty."

"I assure you that the United States will work tirelessly toward a successful outcome of the United Nations Framework Convention on Climate Change negotiations," Clinton said.

Seated around a table in the State Department's Loy Henderson Auditorium were ministers from Australia, Brazil, Canada, China, the European Union, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, South Africa and the United Kingdom.

Officials from Denmark, which is hosting the U.N. climate conference in December, also are attending, as is U.N. climate chief Yvo de Boer.

As the world's biggest economies -- and the world's largest greenhouse gas emitters -- they and the United States have a "special responsibility" to address climate change, Clinton said. And, she said, that includes fast-growing countries like China and India, which so far have resisted calls to slash greenhouse gas output.

Together the gathered countries create more than 80 percent of the world's emissions. China and the United States alone are responsible for 41 percent of global greenhouse gas pollution, and last year China surpassed the United States as the world's largest contributor to global warming.

Clinton assured China and other emerging nations that the United States "wants you to grow" and is intent on finding solutions that will allow countries to combat climate change without stunting development.

"Of course, each economy here is different. Some, like mine, are responsible for past emissions; others for fast-growing current emissions," she said. "We may be at different stages of development ... but we all have to do our part."

Todd Stern, the Obama administration's climate envoy, will be leading the two days of discussions. The talks are expected to cover a range of issues, including how far nations will be willing to go in reducing emissions, and some bilateral partnerships that could be established to spur low-carbon technology development.

President George W. Bush originally spearheaded the gatherings, calling them the Major Economies Meetings -- though many referred to them as the "major emitters meetings." Through the Bush years, though, many critics accused the administration of using the forum to undermine global U.N. talks toward a treaty.

Clinton today said the Obama administration wants the meetings to help smooth discussions in treaty talks, which are expected to come to a head in December at a major summit in Copenhagen.

Kevin Curtis, deputy director of the Pew Environment Group, issued a statement hailing the talks as a "much needed momentum boost" to climate change talks and called on the United States to propose significant financial support to help developing nations cope with the effects of climate change and adapt to a low-carbon future.

"By working with China and India toward common goals on climate change, President Obama is sending a clear signal to Congress that his administration is committed to addressing global warming and he is asking other countries to join him," Curtis said.

Cutting U.S. building emissions will cost \$200B a year -- report (*Greenwire*)

Michael Burnham, E&E senior reporter

04/27/2009

Countries and companies that invest in better buildings today will save millions of dollars and kilowatts tomorrow, purports a new study by the World Business Council for Sustainable Development.

Investing \$30 billion annually in everything from insulated windows to efficient heat pumps could cut the U.S. building sector's collective energy consumption and carbon dioxide emissions 40 percent by 2015. Public- and private-sector building owners and operators could recoup the premium cost -- about 5-10 percent for a new building -- within five years through lower electricity bills, according to the **study** unveiled today in Paris.

Cutting the U.S. building sector's CO2 emissions 80 percent -- a level consistent with major climate legislation on Capitol Hill -- would require investing as much as \$200 billion annually in optimizing energy consumption in new and existing structures. The first \$60 billion could be recouped within a decade, explained J. Michael McQuade, chief scientist for United Technologies Corp., a member of the business council's Energy Efficiency in Buildings project.

"We know how to make buildings more energy efficient, and we can do it cost-effectively," said McQuade, whose Hartford, Conn.-based company produces building elevators and heating and cooling equipment, among other things.

Buildings account for about 40 percent of global energy consumption and greenhouse gas emissions, experts say, and millions of the energy-hogging structures that rise today will remain standing in 50 years. The challenges and opportunities are particularly acute in the developing world.

India's power generation capacity and coal consumption are on pace to triple by 2030, according to the International Energy Agency. At the same time, India's market potential for energy service companies, or ESCOs, will grow exponentially, the World Resources Institute contends in a separate report.

WRI compiled financial information from Indian ESCOs and found that most building-retrofit projects have a payback time of less than two years and save clients an average of 20-25 percent of baseline energy costs.

"If you can do retrofits in cost-effective ways, you'll have a huge climate impact," noted Andrew Goldberg, senior director of federal relations for the American Institute of Architects.

Despite the potential payoffs, some building owners and operators are unwilling or unable to invest in retrofits, the WRI report concludes. Indian banks' lack of engagement is a key reason; another reason is that many building owners and operators simply lack confidence in ESCOs' capabilities and are unwilling to take risks.

Such challenges are not unique to India, so former President Bill Clinton is using more than \$5 billion from major banks to expand the building retrofit market in New Delhi, Mumbai and 38 other cities around the world. Johnson Controls Inc. and other ESCOs working with the Clinton Climate Initiative are retrofitting 15 million square feet of buildings.

The nonprofit is negotiating contracts to retrofit another 500 million square feet of building space, Clinton said earlier this month at the Empire State Building -- which is getting a face-lift (*E&ENews PM*, April 6).

AIA's Goldberg considers Clinton's \$5-billion-plus effort a good start but said multiples of that sum are needed to put a meaningful dent in global emissions of carbon dioxide and other heat-trapping gases.

Trevor Houser, a visiting fellow with the Peterson Institute for International Economics, comes to the same conclusion.

Cutting the building sector's CO₂ emissions by 8.2 gigatons -- roughly a third of today's global emissions -- would require an average annual investment of \$1 trillion globally between now and 2050, Houser wrote in an analysis of the WBCSD report. Such an investment would account for about 1.5 percent of global gross domestic product over the same period and constitute an 18 percent increase in energy-related investment.

The United States would account for about a fifth of the \$1 trillion global investment, Houser estimated. The European Union would account for \$158 billion, while China would account for \$114 billion.

Cutting building emissions 8.2 gigatons by 2050 would have an average abatement cost of \$25 per ton of CO₂, Houser calculated. China's coal-dominated energy mix would yield an average abatement cost of \$14 a ton. The European Union would yield an average abatement cost of \$30 a ton because of the comparatively low carbon intensity of its energy mix.

"At \$25 a ton, it's not free," Houser conceded in an interview. "But it's still cheaper than getting comparable reductions from other sectors -- transport, industry and power generation."

WBCSD, whose members include executives from Duke Energy Corp., Areva and about 200 other companies, underscores that the private sector should not go it alone.

"We clearly see a role governments can and should play," McQuade said.

'Major, coordinated and global effort'

Governments must strengthen building codes to include strict energy efficiency requirements that are adapted to regional climate conditions, WBCSD's report concludes. Governments should also provide tax incentives and other subsidies to spur the private sector to invest in building energy efficiency upgrades, even if they have long payback periods.

An annual investment of \$300 billion would be necessary to cut the global building sector's energy consumption and CO2 emissions 52 percent, with paybacks within a decade. But the report concedes that additional investments to cut global emissions 77 percent by midcentury -- about 48 gigatons -- would not be "justifiable on economic return grounds" at today's energy prices.

The report studies six governments -- the United States, European Union, Brazil, China, India and Japan -- and bases its calculations on \$60-a-barrel oil.

So to clear the economic hurdles, the public and private sectors must also encourage integrated design approaches, improve energy technologies and mobilize a trained work force to construct and monitor buildings, the report concludes.

"We are calling for a major, coordinated and global effort," underscored Björn Stigson, WBCSD's president. "If we can create that, we will cut greenhouse gas emissions and stimulate economic growth at the same time."

Utilities upped spending on cap-and-trade lobbying in '08 (*Greenwire*)

04/27/2009

Fifty of the nation's biggest electric utilities increased spending on lobbying by 30 percent in the last half of 2008 to make sure their takes on climate change legislation are heard by lawmakers.

Companies like Duke Energy, which serves 4 million customers, and regional power giant American Electric Power, spent a total of \$51 million in the last six months of 2008, \$12 million

more than what they spent over the same period in 2007, according to an analysis of lobbying reports by *USA Today*.

The lobbying push comes as Democratic leaders consider a draft bill that would force utilities to cap greenhouse gas emissions 20 percent underneath 2005 levels by 2020, or purchase offset credits from other companies. Industry leaders are hoping to persuade lawmakers to allocate most, if not all, of the emissions credits to utilities or risk imposing crushing costs on consumers.

"It's what industry does with legislation. They make it better for their bottom line," said John Coequyt of the Sierra Club, an environmental group.

Utilities are not the only firms beefing up their presence on Capitol Hill. A Center for Public Integrity analysis revealed that interest groups involved in climate change hired 2,430 lobbyists last year, a three-fold increase from five years ago (John Fritz, *USA Today*, April 27). -- PT

ENERGY

Clean coal infrastructure in U.S. estimated to cost 1 trillion:experts (*International Business Times*)

Posted 27 April 2009 @ 08:01 pm EST

The cost of carbon capture and sequestration infrastructure in the United States that would include each of the coal-fired electricity plants in the country could cost over a trillion of dollars, industry experts told CBS news program "60 Minutes" in a segment that aired on Sunday.

"So, we're talking about hundreds of billions, to a trillion dollars or so, and every power plant needs to capture its greenhouse gases," Dan Kammen, a Berkeley physicist and energy said in an interview at the Basin Electric Power Co-Operative, a coal plant in North Dakota known as the only in America to capture CO2.

The U.S. lawmakers, as well as President Barack Obama are pushing for new legislation that will cut greenhouse gas emissions which are blamed for climate change. Recently the U.S. Environmental Protection Agency ruled for the first time that emissions of greenhouse gases (including carbon dioxide) threaten public health and welfare. The most polluting fuel when with regard to carbon dioxide emissions is coal. Nearly fifty percent of all U.S. electricity is produced with that fuel.

The President and his administration have urged for the development of technology for carbon capture and sequestration to produce so-called "clean coal" facilities.

Jim Rogers, CEO of Duke Energy, the third largest electric utility in the U.S., told '60 Minutes' Scott Pelley that the U.S. "can't abandon coal" but that an infrastructure to capture carbon dioxide is not impossible.

Rogers estimated on the program that the cost to transition to a "low carbon economy" will take "trillions of dollars."

Intel tops green power purchasing list (*Business Green*)

IT, retail and public sector dominate US list of top green power purchasers

BusinessGreen.com Staff, [BusinessGreen](#), 28 Apr 2009

Computer chip giant [Intel](#) has retained its title as the largest purchaser of renewable energy in the US, topping the Environmental Protection Agency's latest [list of green power purchasers](#) after buying more than 1.3 billion kWh of green energy last year.

According to the quarterly list, which was released yesterday, just under half the electricity Intel uses is generated by wind energy providers PNM and Sterling Planet - equivalent to the annual electricity usage of nearly 130,000 average US homes.

The Top 50 list was dominated by IT and retail firms, many of which have increased the amount of green energy they purchase as they attempt to meet internal carbon emission reduction targets.

Intel was joined in the top ten by PepsiCo, Kohl's Department Stores, Dell, Whole Foods, the Pepsi Bottling Company, Johnson & Johnson, the US Air Force, Cisco, and the City of Houston.

A number of high profile firms also appeared in the top 50 list for the first time, including Wal-Mart, Dannon, Sony and Motorola.

It also featured a large number of state and city governments and federal agencies, including the City of Dallas, the city of Chicago, the US Department of Energy and the EPA itself.

The EPA said that overall the Top 50 companies now purchase more than 11 billion kilowatt-hours (kWh) of green power annually, saving carbon emissions equivalent to that produced from the electricity use of more than 1.1 million average American homes.

The Agency added that over 1,000 organisations have now signed up to its [Green Power Partnership Programme](#), which helps businesses and public sector bodies procure renewable energy, either through renewable energy certificates, on site generation or green energy tariffs.

New Tradition Homes earns EPA award (*Mid Columbia Tri City Herald*)

By Ingrid Stegemoeller, Herald staff writer

Monday, Apr. 27, 2009

Washington

A company that builds homes in Richland and Pasco has been recognized with a 2009 Energy Star Leadership in Housing award.

New Tradition Homes received the award from the U.S. Environmental Protection Agency for its contributions to energy-efficient construction and environmental protection.

In 2008, the company built about 140 Energy Star homes, which means the homes met guidelines set by the EPA and are at least 15 percent more energy efficient than homes built to the 2004 International Residential Code.

New Tradition also builds homes in Clark County, Wash., and in Oregon.

w Ingrid Stegemoeller: 582-1537; istegemoeller@tricityherald.com; Business Beat blog at www.tricityherald.com

Intel, local colleges honored for green power use (*Bizjournals.com*)

Silicon Valley / San Jose Business Journal

Monday, April 27, 2009, 1:40pm PDT

By purchasing more than 1 billion kilowatt hours of green power annually -- enough to meet 47 percent of its purchased electricity use -- **Intel Corp.** was honored as a Top 50 Purchaser by the U.S. Environmental Protection Agency's Green Power Partnership program.

The University of California, Santa Cruz and Santa Clara University also together purchased more than 68 million kilowatts of green power, earning themselves Green Power College and University Challenge awards from the U.S. Environmental Protection Agency.

For the second year in a row Santa Clara-based Intel (NASDAQ:INTC), the world's largest semiconductor company, is the nation's largest single purchaser of green power with purchases of more than 1.3 billion kWh of green power per year. This is equivalent to the carbon dioxide emissions from the electricity use of nearly 130,000 average American homes.

UC Santa Cruz beat its conference rivals by purchasing 57 million kilowatt-hours of green power, representing 100 percent of the school's annual electricity usage and equivalent to the amount of electricity needed to power nearly 6,000 average American homes each year.

Santa Clara University purchased more than 11 million kilowatt-hours of green power, representing 37 percent of the school's annual electricity usage and the equivalent amount of electricity needed to power more than 1,000 average American homes each year.

The EPA's Green Power Partnership works with more than 1,000 partner organizations to voluntarily purchase green power to reduce the environmental impacts of conventional

electricity use. Overall, EPA Green Power Partners are buying more than 16 billion kWh of green power annually, equivalent to the CO₂ emissions from electricity use of more than 1.5 million American homes.

EPA recognizes Sony DADC for green power purchases (*Terre Haute Tribune Star*)

April 27, 2009 05:05 pm

Indiana

Sony DADC recently announced its purchase of green power and its partnership with the U.S. Environmental Protection Agency's Green Power Partnership. Sony DADC is purchasing more than 83 million kilowatt-hours (kWh) of green power annually, which is enough green power to meet 44 percent of the organization's purchased electricity use. Sony DADC is buying renewable energy certificates (RECs) from Community Energy, a leading national supplier of green power products.

"The purchase of renewable energy is one of many critical initiatives we are doing to reduce our carbon footprint," said Michael Frey, President, Sony DADC Americas. "Purchasing green power helps our organization become more sustainable, while also sending a message to others across the U.S. that supporting clean sources of electricity is a sound business decision and an important choice in reducing climate risk."

Green power is electricity that is generated from environmentally preferable renewable resources, such as wind, solar, geothermal, biogas, biomass and low-impact hydro. These resources generate electricity with a net zero increase in carbon dioxide emissions, while offering a superior environmental profile compared to traditional power generation sources. Green power purchases also support the development of new renewable energy generation sources nationwide.

"America is shifting to a 'green culture,' with more and more businesses taking important steps to combat climate change," said Kathleen Hogan, Director of the Climate Protection Partnerships Division at the EPA.

According to the U.S. EPA, Sony's green power purchase is equivalent to avoiding the carbon dioxide emissions of nearly 11,000 passenger vehicles per year, or is the equivalent amount of electricity needed to power more than 8,000 average American homes annually.

In addition to the green power purchase, Sony DADC has over 100 projects aimed at reducing energy consumption, recycling water and material, controlling the use of chemical substances, and preserving the environment.

EPA rule review likely to affect Hayward power project (*Bizjournals.com*)

San Francisco Business Times - by **Steven E.F. Brown**

Monday, April 27, 2009, 2:09pm PDT | Modified: Monday, April 27, 2009, 3:20pm

The Environmental Protection Agency will reconsider parts of three pollution rules, which means the public may have another chance to weigh in on the proposed Russell City power plant in Hayward.

“I think it’s very likely to affect the Russell City project,” said Paul Cort, a staff attorney for **Earthjustice** in Oakland, which sued the EPA last year over the issue.

Each year of delay could add more than \$10 million to the cost of the project, according to one estimate.

Russell City Energy Co., which worked out a power-sale agreement with **PG&E** (NYSE: PCG) this month, is 65-percent owned by **Calpine** and 35-percent by a unit of **General Electric** Co. (NYSE: GE).

The project — which the developers hope will be finished in 2012 — would put a 600-megawatt power plant near the shore of San Francisco Bay. After an approval process lasting almost seven years, the developers got the California Energy Commission’s OK for the plant in late 2007. Part of that approval came after Calpine (NYSE: CPN), based in San Jose, agreed to buy credits for pollution from the plant by cutting pollution in other parts of the Bay Area.

But the Bay Area Quality Air District hasn’t yet blessed the power plant.

Monday’s EPA decision adds another hoop the project’s developers will likely have to jump through. The three rules on how particulate pollution was accounted for in permitting, passed during President George W. Bush’s administration, contained some exemptions that angered environmental groups. The rules concern so-called “fugitive emissions” — pollution that comes from other places than smokestacks.

This new review, which invites new public comment, follows the Earthjustice suit filed on behalf of the **Sierra Club** and other groups last summer.

Cort said his firm also petitioned the EPA to change the exemptions to these rules at the same time it filed its suit. Though an outgoing Bush administration EPA official denied the petition on his last day in office, Cort said Earthjustice quickly filed a new petition in February under the new administration.

Monday's decision by the EPA grants the petition. The lawsuit is now on hold pending further developments, Cort said.

Regulatory delays for power projects add hugely to their cost and uncertainty, say industry supporters, who generally favor simplification of permitting requirements.

William Ibbs, an engineering professor at **U.C. Berkeley**, said cost overruns from construction and permit delays are likely to be passed on to the customers who ultimately pay for power from a project.

"It's going to come out of the ratepayer's hide," Ibbs said.

Though no price for the project has been given, Ibbs estimated that for a hypothetical \$100 million project, each year of delay adds \$10 million to \$15 million in costs due to interest payments, attorney fees and rises in labor and material costs.

PESTICIDES

Don't let the bed bugs bite (*Northern Virginia Daily*)

April 28, 2009

The Northern Virginia Daily

By Natalie Austin -- naustin@nvdaily.com

Virginia

A recent National Bed Bug Summit brings to mind chattering cartoon insects seated around a diminutive boardroom table, with microphones, bottled water, and pens and paper -- the stuff of a Disney movie -- complete with celebrity voice overs.

The Environmental Protection Agency National Bed Bug Summit, held April 14-15 in Arlington, however, was anything but funny.

The bed bug, once thought nearly eradicated and mistakenly only the scourge of the filthy, is back -- with a vengeance.

And, other than human blood, their tastes have changed. Bed bugs can be found in immaculate, five-star hotels in big cities or seedy, no-tell motels along forgotten highways. Hospitals, summer camps, movie theaters, homeless shelters are all havens inhabited by the insect. These tiny nocturnal bugs like to travel, don't like to sleep alone and prefer to feed on their bed mates.

That old saying that ends, "Don't let the bed bugs bite," doesn't elicit the same response it once did these days. Because, it's more likely that they might do just that.

Bed bugs are moving into more homes and hotels, camping out in mattresses during the day -- once thought to be their only venue -- or crawling as far as 20 to 30 feet to feed. They may have taken up residence in a bedroom's electrical sockets, curtain rods, wallpaper, picture frames and even clock radios.

The National Pest Management Association estimates a 71 percent increase in bed bug infestations since 2001.

"They seem to be certainly becoming a problem much more so than in the past," says David Gaines, state entomologist for the Virginia Department of Health. "They were kind of like a mythical beast. People told stories about them but they never saw one."

In the 1940s and '50s, Gaines says, the use of chemical insecticides started to disappear. In today's pest management, insecticides are much more pest specific. A cockroach spray won't kill a bed bug, he says.

Gaines prepared a report, "Control of Bed Bugs in Hotel Rooms," for the summit, listing their favorite hiding places and chemicals on today's market that single out the tiny blood suckers.

Hotels and motels were really the jumping off -- or in -- point for these pests, who would hitch a ride in travelers' luggage and head off to the next location. They can also hide in used furniture, such as a bedside table or bureau, and, unknowingly, be introduced into a home.

It's all about the blood, Gaines says, which is needed for the bugs to lay eggs and reproduce. Females lay about five eggs a day and between 200 and 500 in a lifetime. Under normal room temperatures, a single bed bug can live more than 300 days.

"Cleanliness has nothing to do with whether there is an infestation of bed bugs," he says. "They feed on sleeping people and are typically found where people reside at night."

Often getting rid of the pests in homes is more difficult, he added, due to the amount of clutter and potential hiding places for bed bugs.

Also, many times people don't realize they have an infestation because of the anesthetic the bugs inject into their victims before they bite. These highly efficient blood suckers also inject an anti-coagulant to make the blood flow faster. Itchy, red welts in the morning are one calling card, as are bloody fecal spots left on bed sheets. Once a large infestation occurs, the room also will give off a sickly, sweet smell, says Gaines. Some pest control companies use dogs to sniff out the pests.

Although the company mostly treats motels and hotels, says Harriet Harris of Best Exterminating Services Termite and Pest Control in Front Royal, residential calls come in, as well.

"We are seeing more. We used to never see any," she says.

Members of the National Pest Management Association report going from receiving one or two bed bug calls a year to one or two a week.

"People panic because they have been to a motel and think they are getting them," says Harris.

She attributes the increase to changes in pesticides and the fact that people are traveling more.

Some people have even brought the bugs in for identification, she says. Bed bugs are flat, reddish-brown insects, about the size of an apple seed. They are swollen and red after feeding.

If bed bugs are found in a home, beds must be taken apart along with other furniture, curtains taken down and bedding removed. The entire room and its contents are sprayed with an EPA-approved spray, says Harris. Bed linens should be washed in extremely hot water. Mattresses can be placed in special sealers to ensure any remaining bugs are dead. Normally, Harris says, people buy new mattresses following an infestation.

In hotels and motels, rooms above, below and both sides of an infested room must be closed for 14 days following treatment for an infestation.

New York City, Washington and other large urban centers have reportedly seen a marked increase in the critters.

Among the many points brought forth during the recent summit, attended by pest control professionals, universities, public health organizations and government agencies, was to have the Centers for Disease Control and Prevention include bed bugs as a public health pest, a distinction already held by the cockroach. More research is needed by the CDC, according to a report from the summit, to determine whether bed bugs could be disease transmitters. Asthma was specifically noted as a condition that could be aggravated, although there is no research to support it.

Despite their efficient biting apparatus, bed bugs have never been known to carry any diseases.

Even so, professionals attending the summit were in agreement that these tiny bugs deserved a lot more discussion.

More effective chemicals and reintroducing some old products were addressed during the summit. Education also was a major area of discussion including launching of bed bug curriculums for public facilities, a Web site, podcasts and public service announcements. Mini bed bug summits were recommended for all EPA regions. Voluntary bed bug certification for pest control companies also was listed. It was agreed that a second bed bug summit be held in the future.

Still, travelers and homeowners can be proactive in spotting bed bugs.

When traveling, take a look along the mattress seams and the bed frame, says Gaines. Tear the bed apart and look at the sheets.

At home, he says, call an exterminator. Bed bugs are not a do-it-yourself kind of pest control.

"They are not known to be disease carrier but they could drive someone to distraction," he says. "They are not good at promoting mental health."

Tips for travelers:

- * At hotels, pull back the sheets and inspect the mattress seams, particularly at the corners, for stains or spots. If you see anything suspect, change rooms or establishments immediately.
- * Thoroughly inspect the entire room before unpacking, including the headboard and in sofas and chairs.
- * Consider bringing a large plastic trash bag to keep your suitcase in during hotel stays.
- * Carry a small flashlight to assist you with quick visual search.
- * After traveling, inspect your suitcases before bringing them into the house. Vacuum them thoroughly and wash all of your clothes in hot water.
- * Bed bugs are elusive creatures, so it is imperative to seek professional pest control if an infestation is discovered in your home.

-- Source: The National Pest Management Association, www.pestworld.org

MINING

Salazar Seeks to Vacate Bush-Era Mining Rule (*Washington Post*)

Disposal of Mountaintop Waste Was Eased

By Juliet Eilperin
Washington Post Staff Writer
Tuesday, April 28, 2009

Interior Secretary Ken Salazar instructed the Justice Department yesterday to seek a court order to overturn a Bush administration regulation allowing mining companies to dump their waste near rivers and streams, calling the regulation "legally defective."

The announcement, coming on the same day the Environmental Protection Agency said it was taking a second look at a handful of Bush-era rules on air pollution, shows that the Obama administration continues to chip away at its predecessor's environmental policies.

Some environmentalists, however, were disappointed by Salazar's move, arguing that more needs to be done and that the federal government has failed to enforce for decades its rule governing mountaintop mining practices.

The ongoing dispute centers on a 1983 law that bars mining operators from dumping piles of debris -- which stem from blowing off the tops of mountains to get to the coal -- within 100 feet of any intermittent or permanent stream if the material would harm a stream's water quality or reduce its flow. Federal and state courts have issued conflicting interpretations of the law, and widespread dumping continued. The government estimates that 1,600 miles of streams in Appalachia have been wiped out since the mid-1980s.

In December, the Office of Surface Mining Reclamation and Enforcement issued a rule that required companies to avoid the 100-foot stream buffer zone if they could, but it allowed them to continue dumping "if avoidance is not possible." Environmental groups filed two lawsuits challenging the rule.

"In its last weeks in office, the Bush administration pushed through a rule that allows coal mine operators to dump mountaintop fill into streambeds if it's found to be the cheapest and most convenient disposal option," Salazar said in a statement. "We must responsibly develop our coal supplies to help us achieve energy independence, but we cannot do so without appropriately assessing the impact such development might have on local communities and natural habitat and the species it supports."

Joan Mulhern, a lawyer with Earthjustice who represents a coalition of community groups in one of the two lawsuits in U.S. District Court for the District of Columbia, said vacating the Bush rule "would be meaningless" if Interior does not crack down on the dumping.

"They're going back to status quo, which is a good rule, but it's not being enforced," she said.

Interior spokesman Frank Quimby would not say whether the department would prohibit such activity, but he said the administration is seeking "to develop a comprehensive policy on mountaintop mining" in the months ahead. "This is not the end of what the administration proposes to do about mountaintop mining," he said.

Mining executives did not welcome Salazar's move, saying they would explore legal options to keep the rule in place.

"This rule evolved from a four-year public involvement process, a thorough environmental assessment and ironically would have strengthened, not weakened, existing environmental rules dating from the Reagan administration," said Luke Popovich, a spokesman for the National Mining Association.

SUPERFUND

Stimulus funds, not polluters, funding cleanup (Greenwire)

04/27/2009

The Superfund program, established nearly 30 years ago, was formed on the principle that those responsible for toxic pollution should pay to clean up the nation's most contaminated industrial sites.

But the program has faced chronic underfunding since a tax that supported it expired in 1995, so the government is spending \$600 million in stimulus money to clean up sites like the defunct arsenic-polluted Vineland Chemical Co. plant in South Jersey.

At hundreds of plants like the one in Vineland, either no responsible party has been found for the contamination or money from the original polluter has been exhausted, leaving taxpayers on the hook for the cleanup work.

U.S. EPA Administrator Lisa Jackson said stimulus funds will accelerate cleanup at 50 Superfund sites in 28 states.

President Barack Obama has said he wants to restore the tax that supported Superfund, which expired under a Republican Congress in 1995, and assumes it will provide \$1 billion in revenue for his 2011 budget. But until then, money for work at the nation's nearly 1,600 Superfund sites will come from taxpayers in the form of EPA appropriations or stimulus funds (John M. Broder, *New York Times*, April 26). -- TL

TOXICS

Judge Criticizes Prosecutors in Asbestos Case (Associated Press) *Washington Post*

Associated Press
Tuesday, April 28, 2009

MISSOULA, Mont., April 27 -- The federal judge in the W.R. Grace asbestos case told Justice Department prosecutors Monday that they "presented discombobulated allegations" and didn't understand the evidence.

U.S. District Judge Donald Molloy did not rule immediately on defense motions to dismiss charges against Grace, a Columbia, Md.-based firm, and several former executives. But he raised the possibility of declaring a mistrial in the case, which has been before a jury for two months. Jurors, absent during the hearing Monday, were due back in court Tuesday.

Acting on a motion from the prosecution, Molloy did dismiss charges against one former executive, Robert Walsh. Prosecutors said they lacked evidence to continue their case against Walsh.

The government alleges that Grace and five former executives concealed health risks posed by asbestos-laced vermiculite from a northwestern Montana mine that closed in 1990. Attorneys for some Libby residents say asbestos has sickened about 2,000 people in and around the community and killed about 225.

The judge said that he mistrusts the testimony of a key government witness, Robert Locke, a former Grace executive who testified that he helped the company impede a government study of health issues related to the mine near Libby.

"Do you want to have these jurors convict someone on perjured testimony?" Molloy asked.

"We don't believe it's perjured testimony," replied Assistant U.S. Attorney Timothy Racicot.

Another federal prosecutor, David Cassidy, said that Locke's testimony was "more consistent than inconsistent" and that documents corroborate much of it.

Grace lawyer David Bernick said that misleading and prejudicial testimony have so tainted the trial that it cannot be salvaged. Bernick said the case has been litigated for political reasons, aimed at advancing the agenda of the Environmental Protection Agency, which oversaw years of environmental cleanup in Libby.

Toxic Pet Product Manufacturers, Retailers Sued in California (*Environment News Service*)

SAN FRANCISCO, California, April 27, 2009 (ENS) – The Natural Resources Defense Council has filed a lawsuit in California against pet product retailers and manufacturers for illegally selling pet products containing a known cancer-causing chemical called propoxur without proper warning labels.

In a new scientific analysis released as the lawsuit was filed on Thursday, NRDC identified high levels of propoxur and tetrachlorvinphos, TCVP, another carcinogenic neurotoxin common in household pet products, on pet fur after use of ordinary flea collars.

"Just because a product is sold in stores does not mean it is safe," said Dr. Gina Solomon, NRDC senior scientist and physician. "Under California law, consumers have a right to know if a flea control product exposes them to health risks before they buy it."

NRDC filed suit in California Superior Court in Alameda County against 16 retailers and manufacturers including Petsmart, PetCo, and Petstore.com, for failing to comply with California's Safe Drinking Water and Toxic Enforcement Act, known as Proposition 65, which prohibits businesses from knowingly exposing consumers without proper warning to any chemical "known to the state to cause cancer or reproductive harm."

These companies have failed to caution consumers about exposure to propoxur from the use of their products, which should have been labeled with a warning as of August 11, 2007. Proposition 65 provides for penalties of up to \$2,500 for every violation.

NRDC also is petitioning the U.S. Environmental Protection Agency, calling for the removal of these chemicals from pet products. The federal agency is accepting public comments on the petition through June 8, 2009. Click [here](#) for comment instructions.

"The EPA's evaluation of these chemicals was dangerously flawed and underestimates the risks to children," said Miriam Rotkin-Ellman, NRDC scientist. "There is no reason to use carcinogens and neurotoxins to fight fleas and ticks when there are other safer and effective treatments available. The EPA should not allow these toxic chemicals in pet products."

NRDC's new report, "Poison on Pets II," found flea collars containing TCVP and propoxur pose serious neurological and cancer risks. TCVP is an organophosphate insecticide.

These chemical-laden flea collars expose humans to hazardous chemicals that can damage the brain and nervous system and cause cancer. The NRDC warns that children are particularly at risk from these pesticides because their neurological and metabolic systems are still developing. They are also more likely than adults to put their hands in their mouths after petting an animal, leading to the ingestion of hazardous residues.

For the study, NRDC tested the fur of dogs and cats wearing flea collars to measure pesticide residues left on the pets from these collars. This analysis, which was the first study of propoxur residues on pet's fur, found that propoxur levels are so high in some products that they pose a cancer risk in children that is up to 1,000 times higher than the EPA's acceptable levels, and up to 500 times higher for adults.

The study also showed that after three days, 100 percent of the pets wearing collars containing propoxur and 50 percent of the pets wearing collars with TCVP posed a significant neurological risk to toddlers.

Testing also revealed that unsafe levels of pesticide residue remain on a dog's or cat's fur two weeks after a collar is put on an animal. Families with multiple pets that wear flea collars have even greater exposure risks.

The EPA has never compiled data on pesticide levels found on a pet's fur after use of flea collars.

The availability of many effective and safer alternatives for flea and tick control makes the continued use of these pesticides an unnecessary risk. NRDC's groundbreaking 2000 report

"Poison on Pets" led to the ban of six other pesticides in pet products, but products containing TCVP and propoxur are still on store shelves.

NRDC's recommendations for safe flea and tick control include the frequent use of a flea comb, regular bathing of pets, as well as vacuuming and washing of their bedding regularly. If chemical-based flea control is necessary, the safest options often containing the least toxic chemicals are those dispensed by pill.

NRDC maintains the Green Paws online flea and tick product guide for pet owners that ranks more than 125 products, categorizing products by the level of their potential health threat at: www.greenpaws.org.

The U.S. EPA is intensifying its evaluation of spot-on pesticide products for flea and tick control for pets due to recent increases in the number of reported incidents, the agency announced April 16. Adverse reactions reported range from mild effects such as skin irritation to more serious effects such as seizures and, in some cases, the death of pets.

Flea and tick products can be appropriate treatments for protecting your pets and your family's health because fleas and ticks can transmit disease, the EPA says. While many people use the products with no harm to their pets, EPA recommends that pet owners follow label directions and monitor their pets for any signs of an adverse reaction after application, particularly when using these products for the first time.

Incidents with flea and tick products can involve the use of spot-on treatments, sprays, collars and shampoos, but the EPA says the majority of reported incidents are related to flea and tick treatments with EPA-registered spot-on products.

Spot-on products are generally sold in tubes or vials and are applied to one or more localized areas on the body of the pet, such as in between the shoulders or in a stripe along the back. This advisory pertains only to EPA-registered spot-on flea and tick products; these products have an EPA registration number on the label.

Health Canada has identified similar concerns about the use of spot-on flea and tick products. Health Canada and EPA will meet shortly with spot-on product manufacturers to address the issue, including whether further restrictions are necessary to protect the health of pets.

EPA recommends that veterinarians use the National Pesticide Information Center's Veterinary Pesticide Adverse Effects Reporting portal to report incidents: <http://npic.orst.edu/vet>

W.R. Grace defense attorneys move to dismiss federal case (*Greenwire*)

04/27/2009

Defense attorneys for chemical company executives facing felony conspiracy charges over asbestos poisonings at their Montana plant have asked a federal judge to dismiss the government's case against them, accusing prosecutors of repeated misconduct.

The five former executives of W.R. Grace chemical company are charged with covering up evidence of the health hazards of the vermiculite mineral it was using. The government says the executives knowingly poisoned residents of Libby, Mont., causing hundreds of deaths.

The defense alleges the government is allowing perjured testimony and has presented little evidence to support the conspiracy charge.

Judge Donald Molloy of the Federal District Court in Missoula has also voiced doubts about the prosecutor's conduct in recent weeks, but outside of the hearing of the jury. Molloy had said that Robert Locke, a former Grace executive and subject of the defense's accusations of perjured testimony, is probably "a liar."

Legal experts say the government's ability to get a conviction is in serious jeopardy.

The former executives would face up to 15 years in prison if convicted of the most serious charges. Grace went bankrupt in 2001 when it faced hundreds of millions of dollars in asbestos damages claims -- most of which were unrelated to Libby -- and last year tentatively agreed to pay \$3 billion to asbestos victims (Kirk Johnson, *New York Times*, April 25). -- PR

WATER

Obama Seeks to Reverse Mountaintop-Mining Rule (*Wall Street Journal*)

APRIL 28, 2009, 4:04 A.M. ET

By **SIOBHAN HUGHES**

WASHINGTON -- The Obama administration on Monday sought to reverse a last-minute Bush administration rule that made it easier for companies that mine for coal by shearing off mountaintops to dump waste near rivers and streams.

The action is the latest blow to the coal industry, which defends mountaintop mining as a safer, cheaper alternative to traditional underground mining. Coal companies had supported the Bush rule, which permits companies that blow off mountaintops to get at the coal underneath to avoid maintaining a 100-foot buffer zone between nearby waters if it isn't reasonably possible to do so.

At a news conference Monday, Interior Secretary Ken Salazar said he had asked the Justice Department to ask a federal court in Washington, D.C., to throw out the rule and send it back to the agency. Mr. Salazar said the rule "simply doesn't pass muster with respect to adequately protecting water quality and stream habitat" in affected communities.

The decision is likely to have the most effect on central Appalachian surface-mining operations, which account for about 10% of U.S. coal production, according to Energy Information Administration data. West Virginia Gov. Joe Manchin, a Democrat, who received a call on Monday morning from Mr. Salazar, is already trying to gauge the impact on the state's coffers and on future employment.

"The governor shared his concern about the potential effect it could have," said Matt Turner, a spokesman for the governor. "A lot of jobs in West Virginia and throughout Appalachia depend on mining, and certainly our nation depends on coal as an energy source."

The action comes one month after the Environmental Protection Agency under the Obama administration announced that it would scrutinize 150 to 200 mining permits because of concern about waste dumped into rivers and streams. So far, the EPA has asked the U.S. Army Corps of Engineers to revoke at least one previously granted permit, and to ensure more safeguards before signing off on a handful of other permits.

"We've seen a real change in the EPA," Consol Energy Inc. Chief Executive Brett Harvey said in an earnings call last week. "There's a lot of resistance to mountaintop mining."

Write to Siobhan Hughes at siobhan.hughes@dowjones.com

COMMITTEE OKS DESIGN OF SEWER OVERFLOW PROJECTS (*The Newark Advocate*)

April 28, 2009

NEWARK -- Newark City Council Service Committee approved a resolution Monday to begin design on two more combined sewer overflow projects expected to cost \$1.5 million.

The projects both will continue with Environmental Protection Agency mandates to reduce the number of overflows of sewage into the Licking River by separating sewer and stormwater pipes and increase the amount of flow through the interceptor to the high-rate treatment plant.

The construction on the two projects is not expected to be completed until February 2011, but the city first has to acquire property to lay the pipes.

City Council will consider the issue May 4.

Barge Canal oil leak to be fixed (*BurlingtonFreePress.com*)

By Candace Page, Free Press Staff Writer

April 28, 2009

Vermont

The U.S. Environmental Protection Agency has approved a plan to stop the leak of coal tar and oil from the Pine Street Barge Canal, Vermont's first Superfund site.

A thick, \$3.5 million cap of sand and silt was installed in 2003 to prevent nearly a century of oily waste left by a coal gasification plant from polluting Lake Champlain.

Three years later, monitoring showed globules of coal tar were escaping. Absorbent booms were installed to catch the toxic material while the EPA looked for a more permanent solution.

The agency emphasized then that there was no threat to human health or Lake Champlain.

“They have to fix the leak,” said Steve Goodkind, Burlington director of Public Works. “They’re going from a passive system to something that will collect the material.”

No one at the EPA office in Boston could say Monday what the fix will cost or when it will be installed.

In a news release, the EPA said the cap will be partially replaced with a new cap system that will capture the tar and oil, which will be shipped off-site for treatment.

Goodkind said he believes the EPA has estimated the fix will cost about \$2.5 million.

The 38-acre property between Pine Street and Lake Champlain has been a Superfund site since 1983. The canal holds enough coal-tar contaminated soil to fill a football field more than 100 feet deep.

EPA’s original cleanup proposal was to dredge all that material and pile it in a \$50 million landfill beside the lake. Outrage in Vermont killed the plan. Instead, contractors installed a 2- to 5-foot underwater cap of sand and silt to hold the waste in place.

Green Mountain Power Corp. and other companies held responsible for the pollution paid for the remedy. Those companies will pay for the repairs and improvements, the EPA said.

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Rush urges probe of tainted Crestwood well (*Chicago Breaking News*)

April 27, 2009 6:31 PM

Illinois

U.S. Rep. Bobby Rush today urged the Department of Justice to investigate whether Crestwood officials should face criminal and civil charges related to the village's secret use of a polluted well for more than two decades.

In a letter to Attorney General Eric Holder, the Chicago Democrat said he wants federal investigators to "ensure the responsible parties in this case are indeed held accountable."

Rush also has requested a probe by the U.S. Environmental Protection Agency, one of several steps that federal and state officials are taking in response to a [Tribune investigation](#) that found

Crestwood residents had unknowingly drank tap water contaminated with toxic chemicals linked to cancer and other health problems.

The Illinois EPA didn't order Crestwood to shut off the well until December 2007, more than two decades after state officials told the village that chemicals related to a toxic dry-cleaning solvent had leached into the water. Crestwood officials kept using the well anyway, records show, and relied on it for more than 20 percent of the village's water supply some months.

One of the chemicals found in the well water, vinyl chloride, is so toxic that the U.S. EPA says there is no safe level of exposure.

For years village officials avoided scrutiny by telling regulators and residents that all of Crestwood's tap water was treated Lake Michigan water purchased from neighboring Alsip. They repeated that message in village newsletters and annual notices required under the federal Safe Drinking Water Act.

At a packed meeting Saturday with angry residents, Mayor Robert Stranczek said village officials used the well during periods of high demand.

"No one in the village of Crestwood government, past or present, would ever intentionally allow a hazard to threaten our community," Stranczek said.

Meanwhile, Illinois Atty. Gen. Lisa Madigan implored state lawmakers to add tougher provisions to a 2005 right-to-know law that requires state officials to notify people who live near polluted sites or drink contaminated water.

An amendment proposed by Madigan would require the state EPA to notify neighbors within two weeks after discovering polluted drinking water. Notices would be mailed out identifying the contaminant released, the level of contamination found and the possible health effects.

Madigan and Gov. Pat Quinn have vowed to beef up the right-to-know law after the Tribune found that state officials failed to notify Crestwood residents the village had used its contaminated well for years.

"I want to make sure that people have the information that they need to protect themselves," Madigan said.

--Michael Hawthorne

Special interests seize opportunity in Oregon (Greenwire)

04/27/2009

Steve Eldrige, CEO of Umatilla Electric Cooperative, believed flaws in science and Oregon politics favored fish over farmers and put the Columbia River off limits to his farming customers. So in 2007, he launched the boldest grab for water in recent Oregon history in what may be a harbinger of political and business tensions likely in other water-poor areas.

Eldrige deployed the most expensive lobbying effort of the 2007 Legislature and went head-to-head with Gov. Ted Kulongoski (D) to try to secure the water. He did not succeed, but he forced Kulongoski to accelerate his own plan to help the farming region and scrounge up \$750,000 for the work, impressing a region that has grown used to being ignored by the state.

Eldrige's Oregon Oasis Project indicates that similar tensions could arise in areas with insufficient water, such as the Willamette Valley. The state does not have a plan for doling out existing water supplies as demand from homes, industry and farms continues to grow.

That opens the door for special interests to feed their own needs. "People who are well funded have the ability to use the system as it exists to obtain the outcome they're looking for," said Rick Colgan, a Hermiston business executive who opposed Oasis.

"This isn't about science or biology," said Bob Hale, a Hermiston farm executive who helped direct Oregon Oasis. "This is about politics" (Les Zaitz, [Portland Oregonian](#), April 26). -- TL

III. moves to close loopholes in right-to-know law (Greenwire)

04/27/2009

Residents in Crestwood, Ill., drank water from a contaminated well for more than two decades, thanks to a loophole in a right-to-know law that allowed the state to withhold that information from residents. The state issued an advisory to Crestwood officials about the tainted well in 1986, but was under no legal obligation to tell residents.

That will all change according to Gov. Pat Quinn (D) and legislative leaders, who are working to craft a bill that will ensure public officials notify residents if their tap water is threatened by a polluted site.

"You would expect them to tell their constituents what's in the water they're drinking," said state Senate President John Cullerton (D), who sponsored the right-to-know measure. "If we need to amend the law to make it clear people should be notified, that's what we'll do."

Lawmakers are also pushing to make it a felony to mislead the public about the source of its water, something the village of Crestwood did for years, a *Chicago Tribune* report found.

"It's very frustrating to know this is still happening," said Ann Muniz, who lives in an unincorporated area near Downers Grove where wells were contaminated with cancer-causing chemicals. "I know their pain and anger" (Michael Hawthorne, *Chicago Tribune*, April 27). --
PT

Methane drilling linked to contamination in three states (*Greenwire*)

04/27/2009

A string of cases of methane gas escaping into water around the country is raising new concerns about the hidden costs of drilling for gas, which is increasingly touted as one of the most abundant and cleanest alternatives to oil.

An entire house exploded in 2007 near Cleveland, Ohio, after gas seeped into its water well. The Ohio Department of Natural Resources found the explosion was the result of a nearby gas well's faulty concrete casing and hydraulic fracturing that pushed methane into an aquifer and caused the explosion.

In Dimock, Pa., several water wells have exploded and nine others were found to have so much gas that one homeowner was told to open a window if he planned to take a bath. The Pennsylvania Department of Environmental Protection charged Cabot Oil & Gas with two violations after theorizing the gas leaked from the well casing into fractures underground.

Industry representatives maintain methane is common in nature and can find its way into water from biological processes near the surface, such as rotting plants. They say incidents of methane contamination are statistically insignificant given the 452,000 wells that produced gas in the country last year.

But a comprehensive study of a methane problem in western Colorado repudiates that argument. A report released in December by Garfield County determined that gas drilling has degraded

water in dozens of water wells. The scientists called for more research into how the industry's practice of forcefully fracturing deep underground gas layers may increase the risk of contaminants seeping into aquifers (Abraham Lustgarten, [ProPublica](#), April 26). -- TL

N.C. bill would tighten regulation of utilities' dams (Greenwire)

04/27/2009

A bill introduced by North Carolina state Rep. Pricey Harrison (D) would tighten laws regulating coal ash ponds to prevent massive spills such as the one at Tennessee Valley Authority's Kingston Fossil Plant last December, which released more than a billion gallons of toxic sludge.

Coal ash is usually stored in ponds or as a powder and can contain arsenic, lead selenium and other toxic substances, according to research.

North Carolina utilities Duke Energy and Progress Energy have 14 coal ash ponds next to power plants in the state, including Duke's Dan River Steam Station and Belews Creek Steam Station.

Harrison's bill would require closer state regulation, including direct inspections. Currently, utilities must only file reports by private engineers with the Public Utilities Commission once every five years.

"If the public understood the situation, they would scream for some regulations on this stuff," Harrison said (Mark Binker, [Greensboro \[N.C.\] News-Record](#), April 27). -- PT

Hawaii must do more to protect reefs, critics say (Greenwire)

04/27/2009

Ecologists and fishers are saying Hawaii's coral reefs are in decline and asking the state government to take new steps to protect them.

The reefs are still relatively healthy by global standards, but overall quality is declining and near some developed shores coral have died out entirely and taken fish stocks with them.

"The amount of damage already done on our coastal resources has been stunning," said Bob Richmond, a University of Hawaii marine biologist.

Critics say the state government is failing to protect the main attraction of the tourist industry, a major part of the state's economy. They want more shoreline set aside as a protected area and more marine sanctuaries off-limits to fishing -- a bitter pill for the seafood industry.

The reefs are stressed by water pollution, invasive algae, overfishing, recreational overuse and sediment runoff. Reefs worldwide are threatened by climate change and ocean acidification (Rob Perez, *Honolulu Advertiser*, April 26). -- **PR**

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